

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

AARON RUBENSTEIN,

Plaintiff,

v.

17-cv-821 (JPO)

BRUCE R. BERKOWITZ, and FAIRHOLME  
CAPITAL MANAGEMENT, LLC, and JOHN  
DOES 1 THROUGH 13,

Defendants,

and

SEARS HOLDINGS CORP.,

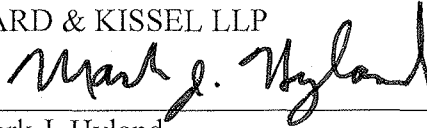
Nominal Defendant.

**NOTICE OF MOTION**

PLEASE TAKE NOTICE that upon Fairholme Capital Management, LLC and Bruce R. Berkowitz's (the "Fairholme Defendants") Answer, the exhibits A – M attached thereto, the Amended Complaint, the accompanying memorandum of law, the Court's Opinion and Order filed December 11, 2017 (ECF No. 25), and all of the prior pleadings and proceedings had herein, the Fairholme Defendants, by and through their attorneys, Seward & Kissel LLP, will move this Court before the Honorable J. Paul Oetken, at the United States District Court, Southern District of New York, 40 Foley Square, New York, NY 10007, at a time and date convenient for the Court, for an order pursuant to Fed. R. Civ. P. 12(c) granting them judgment on the pleadings dismissing the Amended Complaint and such other and further relief as this Court deems just and proper.

SEWARD & KISSEL LLP

By:

  
Mark J. Hyland

Noah S. Czarny

SEWARD & KISSEL LLP

One Battery Park Plaza

New York, New York 10004

Tel: (212) 574-1200

*Attorneys for Defendants Bruce R. Berkowitz  
and Fairholme Capital Management, LLC*